


BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

DOCKET NO. 2000-419-C - ORDER NO. 2000-995

DECEMBER 14, 2000

IN RE:	Application of Telera Communications, Inc.	)	ORDER
	for a Certificate of Public Convenience and	)	GRANTING
	Necessity to Provide Resold and Facilities-	)	CERTIFICATE FOR
	Based Local Exchange and Interexchange	)	LOCAL AND
	Telecommunications Services within the State	)	INTEREXCHANGE
	of South Carolina.	)	AUTHORITY



This matter comes before the Public Service Commission of South Carolina (the “Commission”) by way of the Application of Telera Communications, Inc. (“Telera” or the “Company”) requesting a Certificate of Public Convenience and Necessity authorizing it to provide resold and facilities-based local exchange and intrastate interexchange telecommunications services within the State of South Carolina. The Company’s Application was filed pursuant to S.C. Code Ann. §58-9-280(B) (Supp. 1999) and the Regulations of the Public Service Commission of South Carolina.

By letter, the Commission’s Executive Director instructed Telera to publish, one time, a prepared Notice of Filing in newspapers of general circulation in the areas affected by the Application. The proposed Notice of Filing was to inform interested parties of the manner and time in which to file the appropriate pleadings for participation in the proceedings. Telera complied with this instruction and provided the Commission with proof of publication of the Notice of Filing.

A Petition to Intervene was received from the South Carolina Telephone Coalition (“SCTC”) on October 19, 2000. Thereafter, on November 3, 2000, Counsel for SCTC filed with the Commission a Stipulation in which Telera stipulated that it would only seek authority in non-rural local exchange (“LEC”) service areas of South Carolina and that it would not provide any local service to any customer located in a rural incumbent’s service area, unless and until Telera provided written notice of its intent prior to the date of the intended service. Telera also stipulated that it was not asking the Commission to make a finding at this time regarding whether competition is in the public interest for rural areas. Telera agreed to abide by all State and Federal laws and to participate to the extent that it may be required to do so by the Commission in support of universally available telephone service at affordable rates. The SCTC withdrew its opposition to the granting of a statewide Certificate of Public Convenience and Necessity to Telera provided the conditions contained in the Stipulation are met. The Stipulation is approved and attached as Order Exhibit 1.

A hearing was commenced on December 6, 2000, at 11:30 a.m., in the Commission’s Hearing Room. The Honorable William Saunders, Chairman, presided. Telera was represented by Scott A. Elliott, Esquire. Adelaide D. Kline, Staff Counsel, represented the Commission Staff. Roy H. Barnette, Auditor, Utilities Department, and Colanthia B. Alvarez, Rates Analyst, Utilities Department, testified on behalf of the Commission Staff.

Robert John Stewart, President of Telera, appeared and offered testimony in support of the Company’s Application. As President of Telera, Mr. Stewart testified that

he has day to day responsibilities and day to day roles in the management and operation of Telera Communications, Inc. and its parent company, Telera, Inc. Telera is a Delaware corporation, a fully-owned subsidiary of Telera, Inc., a privately held Delaware corporation, with headquarters located in Campbell, California, in the Silicon Valley near San Jose. Mr. Stewart stated that Telera is not currently offering services in any state and it is his main responsibility to gain competitive local exchange carrier status (CLEC) for the Company in the fifty states of the United States and the District of Columbia. Mr. Stewart further testified that Telera has received authorization to operate as a foreign corporation in the State of South Carolina by the Secretary of State. According to the testimony, Telera, as of the hearing date, had received authority to provide local exchange and/or interexchange telecommunications services in twenty-five states, and is currently in the process of applying for authorization to provide competitive local exchange and interexchange services in the forty-eight contiguous states, Alaska and Hawaii.

Upon receiving certification from the Commission, Telera will provide specific forms of intrastate local exchange and interexchange telecommunications services to residential and business customers, targeted primarily at business customers. Telera intends to be a reseller initially, with plans to install equipment for the provision of local exchange services at a later date in South Carolina. Mr. Stewart testified Telera hopes to begin offering services in the State of New York in the first quarter of 2001 and intends to offer services first in the major metropolitan areas of the United States, and then plans to deploy equipment in the ninety-three LATAs, Hawaii and Alaska. He offered that

several customers in metropolitan New York City have requested Telera's services so the Company's business plan calls for the Company to begin offering its services in New York City first. Further, Mr. Stewart testified that Telera has several patents which integrate telecommunications technology with computer technology that will offer user advanced feature functionality with Telera's services.

Telera intends to offer switched local exchange services including carrier access. The Company's interexchange services will include 1+ and 101XXXX outbound dialing, 800/888 toll-free inbound dialing, and data services. Telera will provide voice and high speed data services through a combination of the latest technology switching and transport media, including customer control of certain features development via extensible markup language (XML). The switching system consists of a processing and control capable of interconnection as a peer to the incumbent as well as competitive local exchange companies. The switch will interconnect with the public switched network on Signaling System 7 ("SS7") or Feature Group D ("FGD") facilities. These services will be delivered over a combination of delivery mechanisms through incumbent local carriers' unbundled loop network. The record also reveals Telera will offer dual-party relay services, 9-1-1 Emergency Services, directory assistance and operator-assisted calls, lifeline, and toll-free calling. IDS intends to eventually install equipment for the provision of local exchange services in South Carolina.

Mr. Stewart presented testimony on Telera's technical, financial, and managerial ability to offer services in South Carolina. He said the Company currently has a direct sales force of twenty sales people throughout the United States; the Company intends to

enable other agents to resell its services. He said that Telera will offer several services that BellSouth has indicated an interest in reselling and that Telera is currently in negotiations with BellSouth for an arrangement which will allow BellSouth to resell those services. Mr. Stewart said the Company now has sales agents in Texas, Atlanta, Georgia, and Florida; does not intend to advertise in the mass media, but does expect BellSouth and Qwest to market Telera's services under their own brand names. Mr. Stewart cited Telera's toll-free dialing technology as an example of this advanced technology which allows for a customer to dial an 800 number and have the call intercepted locally so it does not go over the long distance network. He explained that Telera has the software solution that keeps the call from going to the automated voice recording unit. He further explained that if the caller then decides to continue the call in order to speak with a live agent, the call would then proceed to go over the long distance network. Mr. Stewart stated his Company's technology would save on long distance fees and would also allow a computer the means to upload information in real time to a software solution in the network switch located in South Carolina. He said this patented technology will provide more detailed information and will offer readily available functionality to the caller. Mr. Stewart testified the Company does not intend to do any telemarketing in South Carolina. The record reveals that Telera intends to utilize Frontier/Global Crossing as its underlying carriers. The Company will enter into an interconnection agreement with BellSouth. Mr. Stewart is the regulatory contact person for Telera.

Regarding the Company's technical ability to offer services in South Carolina, the record reveals Telera will initially resell the facilities of existing local exchange carriers (LECs) or underlying carriers that presently service South Carolina. The testimony also reveals Telera will provide voice, high speed data and internet access services through a combination of the Lucent Technology PathStar, ADSL/SDSL transport and Internet service equipment and the latest Optical multiplexer DAC's configurations. Further, the record reveals the switching system consists of a central processing and control complex capable of interconnection as a peer to the incumbent as well as competitive local exchange companies; the hub portion of the switch will interconnect with the public switched network on Signaling System 7 or Feature Group D facilities.

Telera also operates a customer service department which responds to customer inquiries. The customer service department is located in Campbell, California; is open twenty-four hours a day, seven days a week, and has personnel on duty at all times. The Company's toll-free telephone number is 1-888-783-5372. Mr. Stewart's testimony states Telera has sufficient technical resources and ability to provide the telecommunications services it proposes to provide in South Carolina.

Mr. Stewart also testified the Company's personnel represent a broad spectrum of business and technical disciplines, possessing many years of individual and aggregate telecommunications experience. Prem Uppaluru is the Chief Executive Officer and a co-founder of Telera. Mr. Uppaluru has twenty years experience in telecommunications, network management, multimedia and telephony. Prior to his involvement with Telera, Mr. Uppaluru co-founded VOIS Corporation where he served as Chief Executive Officer.

His career includes experience with Fluent and Samsung Software America, and positions with Bell Labs and Bellcore. He holds a Ph.D. degree in electrical engineering and computer science from the University of Texas. Robert Stewart, as President of Telera, has over twenty years of regulatory and network services experience. He previously held various management positions at Pacific Bell and was responsible for introducing their first commercial launch of CTI, Network ACD, and call center Internet integration services. The record reveals that while Mr. Stewart was at Pacific Bell, he successfully introduced new digital video transport technologies to the broadcast, studio and post-production industries which helped change the way television is broadcasted and movies are made. He stated he was responsible for building out two networks, one of which revolutionized movie making. He holds an undergraduate degree from Pacific Lutheran, graduate degrees from the University of Washington, and an MBA from Pepperdine University.

The record further reveals that Lee Bauman is Secretary, Chief Financial Officer and Vice President of Operations of Telera. He has over twenty years experience in senior management positions with Bell Labs, Northern Telecom, Pacific Telesis and Pacific Bell. Mukesh Sundaram serves as Telera's Vice President of Engineering, and is a co-founder of the Company. Scott Temple is Telera's Senior Systems Manager. He has over twenty years of telecommunications experience.

Mr. Stewart also testified that Telera has the financial resources and ability to provide telecommunications services in South Carolina. He said that Telera is backed financially by two venture capital companies located in Silicon Valley, California, who

are known to back premiere technology projects, especially telecommunications companies. He stated the Company's parent, Telera, Incorporated, also will support the Company financially. He introduced a letter into the evidence of the case stating the parent company's financial backing. Roy H. Barnette, Commission Staff witness, testified that the Company submitted December 1999 and June 30, 2000, financial statements with its Application. He testified that the June 2000 consolidated balance sheet indicates the parent company has a strong cash position with cash making up about 60% of total assets. He further testified the parent company appears to be financially strong and in a position to fund Telera's operations. The Company requested the Commission's permission to be exempt from any record-keeping rules or regulations that might require the Company to maintain its financial records in conformance with the Uniform System of Accounts. According to the record, Telera currently maintains its book of accounts in accordance with the Generally Accepted Accounting Principles ("GAAP").

Telera also requested a waiver of S.C. Code Ann. Regs. 103-631 so that the Company will not be required to publish local exchange directories. According to the record, Telera will make arrangements with the incumbent local exchange carriers whereby the names of Telera's customers will be included in the directories published by the incumbent local exchange carriers. At the hearing, the Company additionally requested a waiver of 26 S.C. Code Ann. Regs. 103-610 (1976) so that Telera can maintain its records outside of South Carolina. The Company wishes to maintain its books and records at its headquarters in Campbell, California. In addition, Telera requests a waiver of any reporting requirements which, although applicable to incumbent local



exchange carriers, are not applicable to competitive providers such as Telera because it is the Company's position that these requirements (1) are not consistent with the demands of the competitive market; or (2) they constitute an undue burden on a competitive provider, thereby requiring an inefficient allocation of its limited resources.

Colanthia B. Alvarez of the Commission Staff presented testimony to the Commission on the Utilities Department's findings with respect to Telera's Application for a Certificate of Public Convenience and Necessity. Alvarez's testimony includes several recommended changes to the Company's tariff. The Company agreed to make the Commission Staff's suggested changes to its final tariff.

Upon receiving certification from the Commission, Mr. Stewart testified Telera will abide by and comply with the Commission's rules and regulations and Commission Orders in its operations in South Carolina. Further, the testimony reveals Telera has never had an application for a certificate of public convenience and necessity denied nor has the Company ever been the subject of an investigation by a state regulatory body or the Federal Communications Commission. Additionally, as of the hearing date, Telera had not provided any intrastate telecommunications services within the State of South Carolina.

After full consideration of the applicable law, the Company's Application, and the evidence presented at the hearing, the Commission hereby issues its findings of fact and conclusions of law:

### **FINDINGS OF FACT**

1. Telera is organized as a corporation under the laws of the State of Delaware and has received a certificate from the South Carolina Secretary of State to transact business within South Carolina as a foreign corporation.
2. Telera wishes to provide local exchange services and interexchange services within the State of South Carolina.
3. The Commission finds that Telera possesses the technical, financial, and managerial resources sufficient to provide the service requested.
4. The Commission finds that Telera' "provision of service will not adversely impact the availability of affordable local exchange service." S.C. Code Ann. §58-9-280(B)(3) (Supp. 1999).
5. The Commission finds that Telera will support universally available telephone service at affordable rates.
6. The Commission finds that Telera will provide services which will meet the service standards of the Commission.
7. The Commission finds that the provision of local exchange service by Telera "does not otherwise adversely impact the public interest." S.C. Code Ann. §58-9-280(B)(5) (Supp. 1999).

### **CONCLUSIONS OF LAW**

1. Based on the above findings of fact, the Commission determines that a Certificate of Public Convenience and Necessity should be granted to Telera to provide competitive resold and facilities-based intrastate local exchange services only to

customers located in the non-rural areas of South Carolina. The terms of the Stipulation between Telera and the SCTC are approved, and adopted as a portion of this Order. Any proposal to provide local exchange service to a customer in a rural incumbent LEC's service area is not included in the instant grant of authority. Further, the Company is granted authority to provide facilities-based and resold intrastate interLATA service and to originate and terminate toll traffic within the same LATA, as set forth herein, through the resale of intrastate Wide Area Telecommunications Services (WATS), Message Telecommunications Service (MTS), directory assistance, travel card service or any other services authorized for resale by tariffs of carriers approved by the Commission.

2. With regard to the interexchange service offerings of Telera, the Commission adopts a rate design which includes only maximum rate levels for each tariff charge. A rate structure incorporating maximum rate levels with the flexibility for adjustment below the maximum rate levels has been previously adopted by the Commission. In Re: Application of GTE Sprint Communications Corporation, etc., Order No. 84-622, issued in Docket No. 84-10-C (August 2, 1984).

3. Telera shall not adjust its interexchange rates below the approved maximum level without notice to the Commission and to the public. Telera shall file its proposed rate changes, publish its notice of such changes, and file affidavits of publication with the Commission two weeks prior to the effective date of the changes. However, the public notice requirement is waived, and therefore not required, for reductions below the maximum cap in instances which do not affect the general body of subscribers or do not constitute a general rate reduction. In Re: Application of GTE

Sprint Communications, etc., Order No. 93-638, issued in Docket No. 84-10-C (July 6, 1993). Any proposed increase in the maximum rate level for interexchange services reflected in the tariff which would be applicable to the general body of the Company's subscribers shall constitute a general ratemaking proceeding and will be treated in accordance with the notice and hearing provisions of S.C. Code Ann. §58-9-540 (Supp. 1999).

4. If it has not already done so by the date of issuance of this Order, Telera shall file its revised local and long distance tariffs and an accompanying price list within thirty (30) days of receipt of this Order. The revised tariff shall be consistent with the findings of this Order and shall be consistent with the Commission's Rules and Regulations.

5. Telera is subject to access charges pursuant to Commission Order No. 86-584 in which the Commission determined that for access purposes resellers should be treated similarly to facilities-based interexchange carriers.

6. With regard to the Company's resale of interexchange service, an end-user should be able to access another interexchange carrier or operator service provider if the end-user so desires.

7. Telera shall resell the services of only those interexchange carriers or LECs authorized to do business in South Carolina by this Commission. If Telera changes underlying carriers, it shall notify the Commission in writing.

8. With regard to the origination and termination of toll calls within the same LATA, Telera shall comply with the terms of Order No. 93-462, Order Approving

Stipulation and Agreement, in Docket Nos. 92-182-C, 92-183-C, and 92-200-C (June 3, 1993), with the exception of the 10-XXX intraLATA dialing requirement, which has been rendered obsolete by the toll dialing parity rules established by the Federal Communications Commission, pursuant to the Telecommunications Act of 1996 (See, 47 CFR 51.209).

9. Telera shall file annual surveillance reports on a calendar or fiscal year basis with the Commission as required by Order No. 88-178 in Docket No. 87-483-C. The proper form for these reports can be found at the Commission's website at [www.psc.state.sc.us/forms](http://www.psc.state.sc.us/forms). The title of this form is "Annual Information on South Carolina Operations for Interexchange Companies and AOS". Be advised that the Commission's annual report for telecommunications companies requires the filing of intrastate revenues and intrastate expenses.

10. Title 23, Chapter 47, South Carolina Code of Laws Ann., governs the establishment and implementation of a "Public Safety Communications Center," which is more commonly known as a "911 system" or "911 service." Services available through a 911 system include law enforcement, fire, and emergency medical services. In recognition of the necessity of quality 911 services being provided to the citizens of South Carolina, the Commission hereby instructs Telera to contact the appropriate authorities regarding 911 service in the counties and cities where the Company will be operating. Contact with the appropriate 911 service authorities is to be made before beginning telephone service in South Carolina. Accompanying this Order is an information packet from the South Carolina Chapter of the National Emergency Number

Association ("SC NENA") with contact information and sample forms. The Company may also obtain information by contacting the E911 Coordinator at the Office of Information Resources of the South Carolina Budget and Control Board. By this Order and prior to providing services within South Carolina, Telera, shall contact the 911 Coordinator in each county, as well as the 911 Coordinator in each city where the city has its own 911 system, and shall provide information regarding the Company's operations as required by the 911 system.

11. The Company shall, in compliance with Commission regulations, designate and maintain an authorized utility representative who is prepared to discuss, on a regulatory level, customer relations (complaint) matters, engineering operations, tests and repairs. In addition, the Company shall provide to the Commission in writing the name of the authorized representative to be contacted in connection with general management duties as well as emergencies which occur during non-office hours.

Telera shall file the names, addresses and telephone numbers of these representatives with the Commission within thirty (30) days of receipt of this Order. The "Authorized Utility Representative Information" form can be found at the Commission's website at [www.psc.state.sc.us/forms](http://www.psc.state.sc.us/forms). This form shall be utilized for the provision of this information to the Commission. Further, the Company shall promptly notify the Commission in writing if the representatives are replaced.

12. Telera shall conduct its business in compliance with Commission decisions and Orders, both past and future, including but not limited to, any and all

Commission decisions which may be rendered in Docket No. 96-018-C regarding local competition.

13. The Company is directed to comply with all Rules and Regulations of the Commission, unless a regulation is specifically waived by the Commission.

14. Telera shall file annual financial information in the form of annual reports and gross receipts reports as required by the Commission. The annual report and the gross receipt report will necessitate the filing of intrastate information. Therefore, Telera shall keep financial records on an intrastate basis for South Carolina to comply with the annual and gross receipts filings. The "Annual Report for Competitive Local Exchange carriers" form can be located at the Commission's website at [www.psc.state.sc.us/forms](http://www.psc.state.sc.us/forms). This form shall be utilized by the Company to provide the Commission with annual financial information on the Company's intrastate operations.

15. By its Application, Telera requested waivers from Commission requirements (1) of publishing a directory, (2) of maintaining its books and records within the state, (3) of any reporting requirements which are not applicable to competitive providers, and (4) requested permission to maintain its financial records in accordance with GAAP. The Commission finds the reasoning behind Telera's requests for waivers of publishing a directory, maintaining its books and record within the state and in accordance with GAAP reasonable and hereby grants the waivers of these regulations. The Commission denies the Company's request for a waiver of any reporting requirements which are applicable to incumbent LECs. In the future, upon the request of the Company, this Commission may grant a waiver of a specific regulation if the

Company demonstrates that compliance with the regulation introduces unusual difficulty and that the waiver is in the public interest. However, Telera is directed to comply with all Rules and Regulations of the Commission, unless a regulation is specifically waived by the Commission.

16. This Order shall remain in full force and effect until further Order of the Commission.

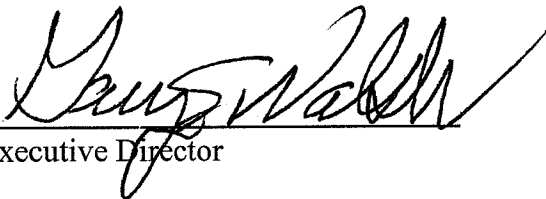
BY ORDER OF THE COMMISSION:



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Chairman

ATTEST:



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Executive Director

(SEAL)



BEFORE  
THE PUBLIC SERVICE COMMISSION  
OF  
SOUTH CAROLINA

Docket No. 2000-419-C

Re: Application of Telera Communications, Inc. for a )  
Certificate of Public Convenience and Necessity )  
to Provide Resold and Facilities-based Local )  
Exchange and Interexchange Telecommunications )  
Services in the State of South Carolina )  
\_\_\_\_\_ )

**STIPULATION**

The South Carolina Telephone Coalition ("SCTC") (see attachment "A" for list of companies) and Telera Communications, Inc. ("Telera") hereby enter into the following stipulations. As a consequence of these stipulations and conditions, SCTC does not oppose Telera's Application. SCTC and Telera stipulate and agree as follows:

1. SCTC does not oppose the granting of a statewide Certificate of Public Convenience and Necessity to Telera, provided the South Carolina Public Service Commission ("Commission") makes the necessary findings to justify granting of such a certificate, and provided the conditions contained within this stipulation are met.

2. Telera stipulates and agrees that any Certificate which may be granted will authorize Telera to provide service only to customers located in non-rural local exchange company ("LEC") service areas of South Carolina, except as provided herein.

3. Telera stipulates that it is not asking the Commission to make a finding at this time regarding whether competition is in the public interest for rural areas.

4. Telera stipulates and agrees that it will not provide any local service, by its own facilities or otherwise, to any customer located in a rural incumbent LEC's service area, unless and until Telera provides such rural incumbent LEC and the Commission with written notice of its

intent to do so at least thirty (30) days prior to the date of the intended service. During such notice period, the rural incumbent LEC will have the opportunity to petition the Commission to exercise all rights afforded it under Federal and State law. Also, Telera acknowledges that the Commission may suspend the intended date for service in rural LEC territory for ninety (90) days while the Commission conducts any proceeding incident to the Petition or upon the Commission's own Motion, provided that the Commission can further suspend the implementation date upon showing of good cause.

5. Telera stipulates and agrees that, if Telera gives notice that it intends to serve a customer located in a rural incumbent LEC's service area, and either (a) the Commission receives a Petition from the rural incumbent LEC to exercise its rights under Federal or State law within such 30-day period, or (b) the Commission institutes a proceeding of its own, then Telera will not provide service to any customer located within the service area in question without prior and further Commission approval.

6. Telera acknowledges that any right which it may have or acquire to serve a rural telephone company service area in South Carolina is subject to the conditions contained herein, and to any future policies, procedures, and guidelines relevant to such proposed service which the Commission may implement, so long as such policies, procedures, and guidelines do not conflict with Federal or State law.

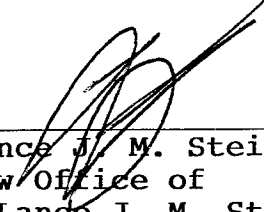
7. The parties stipulate and agree that all rights under Federal and State law are reserved to the rural incumbent LECs and Telera, and this Stipulation in no way suspends or adversely affects such rights, including any exemptions, suspensions, or modifications to which they may be entitled.

8. Telera agrees to abide by all State and Federal laws and to participate, to the extent it may be required to do so by the Commission, in the support of universally available telephone service at affordable rates.

9. Telera hereby amends its application and its prefiled testimony in this docket to the extent necessary to conform with this Stipulation.

AGREED AND STIPULATED to this 27<sup>th</sup> day of October, 2000.

Telera Communications, Inc.:

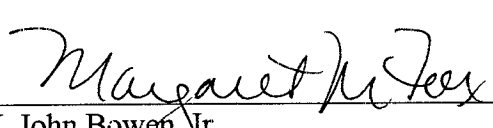


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Attorneys for the South Carolina Telephone  
Coalition

## ATTACHMENT A

### South Carolina Telephone Coalition Member Companies for Purposes of Local Service Stipulation

ALLTEL South Carolina, Inc.  
Chesnee Telephone Company  
Chester Telephone Company  
Farmers Telephone Cooperative, Inc.  
Ft. Mill Telephone Company  
Heath Springs Telephone Company Inc.  
Home Telephone Company, Inc.  
Lancaster Telephone Company  
Lockhart Telephone Company  
McClellanville Telephone Company  
Norway Telephone Company  
Palmetto Rural Telephone Cooperative, Inc.  
Piedmont Rural Telephone Cooperative, Inc.  
Pond Branch Telephone Company  
Ridgeway Telephone Company  
Rock Hill Telephone Company  
Sandhill Telephone Cooperative, Inc.  
St. Stephen Telephone Company  
West Carolina Rural Telephone Cooperative, Inc.  
Williston Telephone Company

BEFORE  
THE PUBLIC SERVICE COMMISSION  
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SOUTH CAROLINA

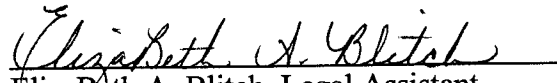
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Exchange and Interexchange Telecommunications )  
Services in the State of South Carolina )  
\_\_\_\_\_ )

**CERTIFICATE OF  
SERVICE**

I, ElizaBeth A. Blich, do hereby certify that I have this date served one (1) copy of the foregoing Stipulation upon the following party of record by causing said copy to be deposited with the United States Mail, first class postage prepaid to:

Lance J.M. Steinhart, Esq.  
6455 East Johns Crossing  
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Duluth, Georgia 30097

  
ElizaBeth A. Blich, Legal Assistant  
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November 3, 2000

Columbia, South Carolina